

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LINWOOD EDWARD TRACY, JR.; et al.,)
Plaintiffs,) 3:11-cv-0436-LRH-VPC
v.)
CEO, SUCCESSOR FOR DEUTSCHE)
NATIONAL TRUST COMPANY; et al.,)
Defendants.)

)

Before the court are plaintiff Linwood Edward Tracy, Jr.’s (“Tracy”) motions to recuse Chief Judge Robert C. Jones (“Chief Judge Jones”) and Magistrate Judge Valerie P. Cooke (“Magistrate Cooke”) in two different cases: case nos. 3:11-cv-0152-RCJ-VPC and 3:11-cv-0165-RCJ-VPC. Doc. ##87, 146.

Initially, the court notes that it is without jurisdiction to entertain Tracy's motions. A motion for recusal must first be filed before the judge, and in the action, seeking to be recused. *See Berger v. United States*, 255 U.S. 22, 32-34 (1922); *United States v. Holland*, 510 F.3d 909, 912 (9th Cir. 2008). Here, Tracy did not file the present motions in the appropriate actions or before the appropriate judges. Accordingly the court shall deny Tracy's motions to recuse.

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1 IT IS THEREFORE ORDERED that plaintiff's motions to recuse (Doc. ##87, 146) are
2 DENIED.

3 IT IS SO ORDERED.

4 DATED this 5th day of July, 2012.



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6 LARRY R. HICKS
7 UNITED STATES DISTRICT JUDGE
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